

In re:  
Joan Samuel Hanna  
Debtor

Case No. 23-10429-cjp  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0101-1  
Date Rcvd: Dec 14, 2023

User: admin  
Form ID: pdf012

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|------------|
|--------|------------|

|   |  |
|---|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |
|---|--|

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 16, 2023:

| Recip ID | Recipient Name and Address  |
|----------|---|
| db       | + Joan Samuel Hanna, 74 Brucewood St, West Roxbury, MA 02132-1304 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 16, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 14, 2023 at the address(es) listed below:

| Name                | Email Address  |
|---------------------|--|
| David J. Reier      | on behalf of Interested Party Boston Capital Investment Group LLC david.reier@afslaw.com, dreier@pbl.com |
| Gary W. Cruickshank | on behalf of Mediator Gary W Cruickshank gwc@cruickshank-law.com cruickshankgr87938@notify.bestcase.com  |
| Jacqueline M. Price | on behalf of Creditor Rockland Trust Company jmp@bostonbusinesslaw.com                                   |
| Jeremy Moskowitz    | on behalf of Interested Party Boston Capital Investment Group LLC jmoskowitz@barsh-cohen.com             |
| Jonathan Hixon      | on behalf of Creditor Rockland Trust Company JMH@bostonbusinesslaw.com                                   |
| Joseph G. Butler    | on behalf of Debtor Joan Samuel Hanna jgb@jgbutlerlaw.com JGButlerlaw@gmail.com                          |

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Joseph G. Butler

on behalf of Plaintiff Joan Samuel Hanna jgb@jgbutlerlaw.com JGButlerlaw@gmail.com

Richard King - B

USTPRegion01.BO.ECF@USDOJ.GOV

Rion Vaughan

on behalf of Other Party WR Brucewood LLC rmv@riw.com

Rosemary A. Traini

on behalf of Interested Party Boston Capital Investment Group LLC rtraini@rtrainilaw.com

Steven Weiss

on behalf of Creditor John Hanna sweiss@ssfpc.com astephan@ssfpc.com

TOTAL: 11



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

*In re:*

JOAN SAMUEL HANNA,  
Debtor

Ch. 11  
23-10429-CJP

**ORDER**

Before the Court is *Boston Investment Capital Group LLC's Emergency Motion to Stay Entry of Order Pending Appeal* [Dkt. No. 119], pursuant to which Boston Investment Capital Group LLC ("Boston Investment Capital") seeks a stay pending its appeal of the Proceeding Memorandum and Order dated December 12, 2023 [Dkt. No. 117] (the "Order"), granting in part and denying in part the *Motion of John Hanna to Assign Rights Under 11 U.S.C. § 363 (i) Allowing Assignee to Acquire Property Free and Clear Under 11 U.S.C. § 363* [Dkt. No. 109]. Upon consideration of the request for a stay pending appeal under Fed. R. Bankr. P. 8007(a), the Court denies the stay request.

Boston Investment Capital has not demonstrated a likelihood of success with respect to the appeal of the Order. *See Acevedo–García v. Vera–Monroig*, 296 F.3d 13, 16 (1st Cir. 2002) (quoting *Weaver v. Henderson*, 984 F.2d 11, 12 (1st Cir. 1993) (holding that "[t]he sine qua non [of the stay pending appeal standard] is whether the [movant is] likely to succeed on the merits.")). To the extent Boston Investment Capital has standing to appeal, the argument that the Order denying the assignment request is no different than approval of that request and the further arguments based on that faulty premise are unpersuasive. For all of the reasons stated at the

hearing on Dkt. No. 109 that resulted in the Order, Boston Investment Capital cannot succeed on  
its assertion that John Hanna cannot exercise his rights under 11 U.S.C. § 363(i).

Dated: December 14, 2023

By the Court,

A handwritten signature in black ink, appearing to read "Christopher J. Panos". The signature is fluid and cursive, with a large initial "C" and "P".

Christopher J. Panos  
United States Bankruptcy Judge